

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 18-110(2) (DWF/KMM)

Plaintiff,

v.

**ORDER**

Keyeon Marquis Carson (2),

Defendant.

The above-entitled matter is before the Court on Defendant's renewed motion for a furlough to attend to his wife, Michelle Carson, and her pregnancy, as well as to be present at the birth of their child. (Doc. No. 73.) The birth is presently scheduled for November 2, 2018. The Government opposes Defendant's motion.

Based upon the presentations and submissions of the parties, and the Court having consulted with the United States Probation and Pretrial Services Office, as well as reviewing the entire file in this matter, and being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Defendant Keyeon Marquis Carson's renewed motion for a furlough (Doc. No. [73]) is respectfully **DENIED**.

2. The attached memorandum is made a part hereof.

Dated: October 3, 2018

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge

### **MEMORANDUM**

The Court previously denied Defendant's motion for furlough on September 10, 2018. (Doc. No. 69.) The matter is now before the Court on Defendant's renewed motion requesting that he be furloughed so that he might attend the birth of his child on November 2, 2018, and assist his wife, until that time, with what has been described as a high risk pregnancy.

On September 27, 2018, Defendant entered a plea of guilty to the charge of being in possession of a stolen firearm. The plea agreement before the Court, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), involves both Defendant and the Government recommending a sentence of not less than 92 months and not more than 115 months in prison. Both parties have agreed to advocate for a total sentence of imprisonment within that stipulated range.

The Court finds and concludes that there is no condition or combination of conditions which exist that would ensure Defendant's appearance at future court proceedings in this matter. More importantly, the Court finds that a release would result in danger to specific members of the community, which the Court will explain. During the Pretrial Services Report, Defendant informed the Probation and Pretrial Services Office, upon completion of substance abuse treatment for alcohol and marijuana with

Minnesota Teen Challenge in 2015, he had been alcohol and drug free since that time. That statement is entirely belied by the record before this Court involving prior convictions for domestic abuse and statements by numerous parties, based upon police reports, that Defendant had been consuming alcoholic beverages and was under the influence of alcohol at the time of his return to the home where his fiancée, and now wife, were living. Given the entire record before the Court, especially in the context of the joint recommendation for not less than a 92-month prison sentence, the Court finds and concludes that there is no condition or combination of conditions which exist that would ensure Defendant's appearance at future court proceedings and, most importantly, ensure the safety of the community.

The Court is not unsympathetic to Defendant's spouse, who is expecting to deliver their child by C-section on November 2, 2018. The Court is hopeful that other friends and family will be there to support Ms. Carson. The Court acknowledges that it carefully read Ms. Carson's letter. It may well be that when Defendant remains sober and is working a 12-step program, that he is a good spouse, a good family man, a good father, and that he helps and takes care of his children and spends important time with his family. However, for the reasons stated and the Court's concern with respect to the behavior related to alcohol use, especially when Defendant has asserted that he has not used any alcohol since 2015, the Court has respectfully denied Defendant's request for release or furlough.

D.W.F.